THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.26026 of 2006

Dt.23-01-2007

Between:

Mir Safiullah Aamir

…Petitioner

and

The Secretary,
Regional Transport Authority,
Hyderabad and another

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.26026 of 2006

ORDER:

The petitioner is the owner of Auto Rickshaw bearing No.AP11 W 2950. It was seized by the 2nd respondent way back on 26-10-2005 vide vehicle check report No.0277029, on the ground that the tax was not paid from 01-10-2004 onwards. The fitness and insurance certificates were not produced. The petitioner challenges the seizure of the vehicle.

Heard the learned counsel for the petitioner and learned counsel for the respondents.

The petitioner approached this Court more than one year after the vehicle was seized. He does not dispute that the lapses pointed out in the check report are not correct. No exception can be taken to the seizure, in view of the lapses on the part of the petitioner. The stage of the proceedings, if any, initiated against the petitioner, is not known. The petitioner has already suffered on account of the seizure, and the very existence of the vehicle will become doubtful, if the seizure continues. The interests of the respondents can be protected by directing the petitioner to rectify the lapses.

Hence, the writ petition is disposed of, directing that the respondents shall release the vehicle bearing No.AP 11W 2950 to the petitioner, on condition that he clears the arrears of tax

with effect from 01-10-2004. Within fifteen days from the date of the release, the petitioner shall take necessary steps to get the fitness of the vehicle certified and take an insurance policy. In default, it shall be open to the respondents to seize the vehicle once again.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.23-01-2007.

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